

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Board of Trustees of the I.A.T.S.E. Annuity
Fund et al.,

Plaintiffs,

-against-

National Convention Services, LLC,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/21/2024

1:24-cv-00019 (GHW) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

It is hereby Ordered that, no later than Friday, June 28, 2024, Plaintiffs shall email to the Court (Aaron_NYSDChambers@nysd.uscourts.gov) a native version of the spreadsheet filed at ECF No. 19-16, updated to show interest due as of that date and to include a column showing the applicable interest rate. A PDF version of the updated spreadsheet also shall be filed to the ECF docket.

It is further Ordered that, by the same date, Plaintiffs shall file a declaration setting forth the relevant prime rates used to calculate interest due for the period at issue. (See Powers Decl., ECF No. 19, ¶ 15 ("Prime Rate" is "the prime rate published in the New York Times or the Wall Street Journal on the nearest January 1 or July 1 (or if such rate is not published on January 1 or July 1, then the next business day . . . on which such rate is published preceding or coincident with the period(s) for which the amount is delinquent.") (citing Delinquency Guidelines, Powers Decl. Exs. E-H, ECF Nos. 19-5 through 19-8, § 7).) Finally, Plaintiffs shall file an appropriate submission to address the applicable interest rate for the I.A.T.S.E. National Vacation Fund ("Vacation Fund"). Although, Plaintiffs assert that "[p]ursuant to the Trust Agreements and Delinquency Guidelines,

the Funds are entitled to the full amount of the unpaid contributions owed by [Defendant]; interest on the unpaid contributions from the due date of each such contribution at the Prime Rate published in the New York Times or the Wall Street Journal plus 1 %; liquidated damages in the amount of the greater of the interest on the unpaid contributions or twenty percent of the unpaid contributions; attorneys' fees and costs of the action[]” (Powers Decl. ¶ 45), the Trust Agreement for the Vacation Fund sets forth a different interest rate calculation. (See Vacation Fund Trust Agmnt., Powers Decl. Ex. D, ECF No. 19-4, § 9.6.) If and as appropriate, the interest rate for the Vacation Fund shall be amended in the spreadsheet submitted pursuant to the first sentence above.

Plaintiffs shall serve upon Defendant a copy of the PDF version of the updated spreadsheet and the declaration referred to above, and shall file proof of service on the ECF docket.

SO ORDERED.

Dated: New York, New York
June 21, 2024



STEWART D. AARON
United States Magistrate Judge